

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/554,064

Attorney Docket No.: Q90770

AMENDMENTS TO THE DRAWINGS

Please replace the current FIGS. 9 and 10 with the following amended drawings:

FIGS. 9 and 10 are hereby labeled as --Related Art--.

Attachment: Replacement Sheet (FIGS. 9 and 10)

REMARKS

Claims 1-10 are all the claims pending in the Application.

Drawings

Figures 9 and 10 are objected to. By this Amendment, Applicants submit a replacement sheet labeling Figures 9 and 10 as “Related Art”, and request that the objection be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 5-6 and 9 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Higuchi et al., US Patent 7,261,971 (hereinafter “Higuchi”). Applicants respectfully traverse.

Applicants submit that Higuchi does not disclose “a close contact zone in which...casing films directly opposing without intervention of [an] electric device element are in close contact with each other without being thermally sealed, between said thermally sealed area and said electric device element.” As seen in Higuchi FIG. 3, the ends 32 a-b and 42 a-b of the battery can 2 are bonded together without any area in which they are close together and not thermally sealed. Applicants submit that Higuchi’s bonding more closely resembles the prior art described in the present application.

The Examiner asserts that gap C in Higuchi corresponds to the claimed close contact zone. However, as seen in Higuchi FIG. 3 and col. 11, line 17-38, gap C is positioned at a corner of the battery can 2. It is not positioned between the two sides of the battery can 2. As can be seen in Higuchi FIG. 3, the electrode body 5 is between the two sides of the battery can 2 and separates the two noted gaps C.

Hence, Applicants submit that Higuchi does not teach every feature of claim 1, and that claim 1 is therefore patentable over the rejection. Applicants further submit that claims 2, 3, 5, 6, and 9 are patentable at least by virtue of their respective dependencies from claim 1.

Claim Rejections - 35 U.S.C. § 103

Claims 4 and 7

Claims 4 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Higuchi. Applicants respectfully traverse.

Applicants submit that claims 4 and 7 are patentable at least by virtue of their respective dependencies from claim 1.

Further regarding claim 4, the Examiner concedes that Higuchi does not explicitly teach that a close contact zone “has a width which continuously or discontinuously varies such that the width is largest at the center in the range from one end to the other end of the inner edge of said thermally sealed area.” See Office Action, page 5, first full paragraph. The Examiner asserts that such a feature would have been obvious to a person having ordinary skill in the art, as Higuchi teaches changing the angle of the sides of the depression 31 in order to change the size of gap C.

Applicants submit that even though Higuchi may teach changing the noted angle, such a change has no effect on the width of the gap C over its length. Higuchi teaches adjusting the size of the gap by changing the angle. See col. 11, lines 23-33. However, Higuchi has no teaching towards the gap having a variable width over its length. Hence, Higuchi has no teaching towards

the features of claim 4, and claim 4 should be separately patentable over the rejection for this reason addition to its dependency.

Claim 8

Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Higuchi in view of Yata et al., US Publication 2004/0048152 (hereinafter “Yata”). Applicants respectfully traverse.

Preliminarily, Applicants note that Yata is referred to in the Office Action as 2003/0081395. For the purposes of this response, Applicants assume that the number of Yata is 2004/0048152, as cited in the PTO-892 form.

Applicants submit that Yata does not cure the above-noted deficiencies in Higuchi. Hence, Applicants submit that claim 8 is patentable over the cited art at least by virtue of its dependency from claim 1.

Claim 10

Claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Higuchi in view of Onda et al., Japanese Publication No. 2001-052748 (hereinafter “Onda”), and Fukuda et al., US Patent 6,877,216 (hereinafter “Fukuda”). Applicants respectfully traverse.

Preliminarily, Applicants note that Fukuda is noted as US Patent 6,972,216 in the Office Action. For the purposes of this response, Applicants assume the proper number of Fukuda is 6,877,216, as cited in the PTO-892 form.

The Examiner concedes that Higuchi does not teach the step of thermally sealing the casing film is accomplished by at least the last one side of the peripheral sides being thermally sealed in a reduced pressure atmosphere and returning surroundings of the casing film which seals said electric device element into an atmospheric pressure; or, applying pressure to the casing film with a thermal sealing head for heating and pressurizing said casing films being placed at a position spaced apart by 2 mm or more from said electric device element.

The Examiner asserts that Onda teaches a sealing process being undertaken at reduced pressure, and that Fukuda teaches heat-sealing with sealing heads spaced apart by 2 mm or more from the electric device element.

The Examiner also reiterates the earlier assertion that Higuchi teaches that a close contact zone about the periphery of the electric device element of 2 mm can be formed.

By this Amendment, Applicants amend claim 10 to include the feature of a close-contact zone. Applicants submit, as above, that Higuchi does not teach such a close-contact zone. Applicants further submit that neither Onda nor Fukuda teach this feature, either. Hence, Applicants submit that claim 10 as amended is patentable over the cited art.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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